

marshall

United States District Court

FILED

WESTERN DISTRICT OF TEXAS

2012 MAR 21 PM 1:41

United States of America

V

Catarino Hernandez-Cruz

Julie Hernandez &

Eduardo Hernandez-Cruz &

Alfredo Angel Herrera

CRIMINAL COMPLAINT

BY

DEPUTY

CASE NUMBER:

A-12-m-177

Austin, Travis County Texas


I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about, March 19th, 2012 in Austin, Travis County, in the Western District of Texas defendant(s) did knowingly, intentionally, and unlawfully conspired, with persons known and unknown, to possess with intent to distribute a dangerous illegal controlled substance, to wit; Heroin, in violation of **Title 21 United States Code, Sections 841 (a)(1) and 846.**

I further state that I am an Austin Police Detective and that this complaint is based on the following facts:

On March 6th of 2012 this affiant received information from a credible confidential source, herein referred to as CS#1 about a subject identified as "Juan Hernandez", who is selling and distributing marijuana, heroin and methamphetamine in the Austin area. Affiant received information from CS#1 that "Juan Hernandez" and his girl travel in a black Lexus, four door sedan and live behind the Callahans general store, off Bastrop Highway. Affiant conducted further investigation and was able to identify the residence of where the dangerous illegal controlled substances were being distributed from as 418 Thompson Lane, Austin, Travis County Texas, which is further described as a white wood residence with green trim and a black Lexus parked at the residence bearing a Texas license plate CY2-L617.

On March 7th of 2012 this affiant received information from Austin Police Detective Volk, who also had a credible confidential source, herein referred to as CS#2 about subjects distributing marijuana and heroin from a residence and pointed out the residence at 418 Thompson Lane. The CS#2 informed Austin Police Detective Volk, that "Juan" is distributing heroin and multiple pounds of marijuana from 418 Thompson Lane and drive around in a dark colored Lexus. The residence at 418 Thompson Lane that CS#2 pointed out to Detective Volk is further described as a white wood panel residence with green trim.

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No



Signature of Complainant

Sworn to before me, and subscribed in my presence



Date

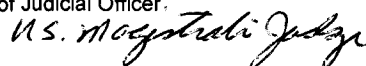
at



City and State



Name and Title of Judicial Officer.




Signature Judicial Officer

On March 19th of 2012 this affiant went by 418 Thompson Lane, Austin, Travis County Texas and observed a light blue Ford F150 pick up truck with a Mexico plate (WJ-88-509) displayed, parked on the backside of the residence. This affiant also observed the black Lexus with Texas license CY2-L617 parked at 418 Thompson Lane.

This affiant and several detectives assigned to Austin Police Organized Crime Division, Narcotics, conducted surveillance at 418 Thompson Lane, Austin, Travis County Texas. Detectives observed the light blue Ford F150 pick up truck with Mexico plate WJ-88-509 leaving from 418 Thompson Lane. The pick up was followed over to 3508 Sand Dunes Avenue. Your affiant observed the light blue Ford pick up truck with Mexico plate WJ-88-509 displayed, parked in the driveway at 3508 Sand Dunes Avenue with the hood up and subjects working underneath the truck by the drivers side front wheel well.

This affiant observed a black Lexus with license CY2-L617 entering the neighborhood where 3508 Sand Dunes Avenue is located. Detective Gall advised that he observed Catarino Hernandez-Cruz, a white male born October 15th 1980, exit the residence of 3508 Sand Dunes Avenue and open the trunk to the black Lexus and place a large black plastic container into the trunk. A marked Austin Police unit was requested to conduct a traffic stop on the black Lexus as it drove away from the neighborhood. At the intersection of McKinney Falls Parkway and Bastrop Highway the black Lexus was observed conducting the following traffic violation of improper left turn, improper exit.

The black Lexus was stopped in the 1500 block of U.S. 183. The driver of the black Lexus was identified as Julie Hernandez, a white female born August 24th 1974 and the passenger was identified as Catarino Hernandez-Cruz, a white male born October 15th 1980.

Austin Police Detective Volk arrived at the traffic stop with his drug detection dog "Bar". Detective Volk advised that "Bar" alerted to the top, left hand side of the trunk of the black Lexus with license CY2-L617. Detective Volk searched the trunk and located 4 bundles of a substance packaged in black tape with a total weight of 2,298 grams. Detective Eastlick conducted a preliminary test of the substance contained in each of the packages and the test were positive for heroin.

The light blue Ford F150 pick up with Mexico plates WJ-88-509 was observed leaving the residence at 3508 Sand Dunes with another vehicle maroon Suzuki with Texas license DC1-Y496 leading the way. Both vehicles were following each other and were followed exiting the neighborhood. A marked Austin Police unit was requested to conduct a traffic stop on both the maroon Suzuki with Texas license DC1-Y496 and the light blue Ford F150 pick up with Mexico plates WJ-88-509 as they drove away from the neighborhood. At the intersection of McKinney Falls Parkway and Bastrop Highway both vehicles were observed conducting the following traffic violation of fail to signal intent, left turn.

The maroon Suzuki was stopped in the 8200 block of East Ben White. The driver of the maroon Suzuki was identified as Alfredo Angel Herrera, a white male born May 22nd 1983. Austin Police Officer Moore received consent to search the maroon Suzuki with license DC1-Y496 from Alfredo Angel Herrera and located approximately 8 grams of marijuana. Detective Volk arrived on the scene of the traffic stop and instructed Alfredo Angel Herrera of his Miranda rights. Alfredo Angel Herrera stated he understood them and agreed to answer questions. Alfredo Angel Herrera advised that he lived at 3508 Sand Dunes Avenue and had allowed Catarino Hernandez-Cruz and Eduardo Hernandez-Cruz, a white male born September 6th 1982 to come over to his house to use his tools to work on the light blue pick up truck. Alfredo Angel Herrera stated he knew they were doing something illegal, but did not want to observe what they were doing and went inside the residence.

The light blue Ford F150 pick up with Mexico plates WJ-88-509 was stopped behind the maroon Suzuki in the 8200 block of East Ben White. The driver of the light blue Ford F150 pick up with Mexico plates was identified as Eduardo Hernandez-Cruz, a white male born September 6th 1982. Detective Volk arrived on the scene of the traffic stop and had Austin Police Officer advised Eduardo Hernandez-Cruz of his Miranda rights. Eduardo Hernandez-Cruz advised that the police can search the truck. Detective Volk advised that his drug detection dog "Bar" alerted to the drivers door and underneath area of the pick up truck. The pick up truck was transported to the City of Austin Service Center, located at 714 E. 8th Street, Austin Texas to be searched. At the City of Austin Service Center, the front left fender was removed and a secrete compartment was located, but empty of contraband. The front right fender was removed and another secrete compartment was located and contained two bundles of substance packaged in black tape with a total weight of 982 grams. Detective Eastlick conducted a preliminary test of the substance contained in each of the packages and the test were positive for heroin

Julie Hernandez, Catarino Hernandez-Cruz and Alfredo Angel Herrera also gave detailed confessions as to their involvement after being informed of their rights as per the Miranda Ruling at Narcotic Headquarters.

Detectives seized a total of approximately 3,280 grams of Heroin.